

NMC response to the Welsh Government's consultation on the Implementation of the Regulation and Inspection of Social Care (Wales) Act 2016

About us

- 1 As the professional regulator of nurses and midwives in the UK, and nursing associates in England, we work to ensure these professionals have the knowledge and skills to deliver consistent, quality care that keeps people safe.
- 2 We set the education standards professionals must achieve to practise in the UK. When they have shown both clinical excellence and a commitment to kindness, compassion and respect, we welcome them onto our register of nearly 700,000 professionals.
- 3 Once registered, nurses, midwives and nursing associates must uphold the standards and behaviours set out in our Code so that people can have confidence that they will consistently receive quality, safe care wherever they are treated.
- 4 We promote lifelong learning through revalidation, encouraging professionals to reflect on their practice and how the Code applies in their day-to-day work.
- 5 On the rare occasions that care goes wrong, or falls short of people's expectations, we can step in to investigate, and take action when needed. But we want to prevent something going wrong in the first place. So, we promote a culture that encourages professionals to be open and learn from mistakes, gives the public an equal voice and where everyone involved is treated with kindness and compassion.

Summary

- 6 We welcome the opportunity to respond to the Welsh Government's consultation on implementing the *Regulation and Inspection of Social Care (Wales) Act 2016*.
- 7 We also welcome the Welsh Government's wider campaign to raise the profile of the people employed in the care sector, and to promote the valuable work they do. Social care is a vital and inseparable part of health and care in the UK and should be considered an equal partner to the NHS. Promoting social care is important, not only for those people directly employed in the sector and the people they support and care for, but for colleagues across the health and care system who depend on a properly valued and supported wider workforce.
- 8 In our response to the consultation we have focused on the questions related to the dual registration of registered nurses (questions 3 and 7). We are not in a position to comment on questions related to the regulation of service providers or other social care employees, as these are outside our regulatory remit.

Dual registration

- 9 Under the proposals, social care workers in Wales will be required to register with Social Care Wales (SCW) by April 2020 if they are employed in domiciliary care, and by 2022 if they are employed in a care home setting. We note the current intention is to provide an exemption in both cases for regulated professional groups, including registered nurses, who are already required to register with the Nursing and Midwifery Council.
- 10 We strongly support the proposed exemption, as this would prevent the duplication of regulatory functions across the two workforce regulators. Where individuals are required to register with more than one regulator it is likely that certain functions, including setting standards and investigating fitness to practise concerns, will be the responsibility of both regulators. This poses the risk of inconsistency or contradiction across these shared functions, which could result in long delays to investigations and incompatible standards and requirements. Though close alignment of standards and processes could alleviate some of these problems, this would restrict the autonomy and flexibility with which regulators are able to operate.
- 11 Without the proposed exemption, nurses employed in domiciliary or care home settings would need to meet an additional set of requirements and standards, including paying additional fees for initial registration and renewal. This could provide a disincentive for nurses to join or continue working in social care settings.
- 12 According to latest estimates, there are 1,600 registered nurses working in the social care sector in Wales.¹ While they represent a small part of the overall workforce, nurses play a critical role in maintaining the health of people who use social care services, and must be encouraged to continue doing so. For these reasons we support the proposal to exempt nurses who work in domiciliary or care home services from being required to register with SCW.

General comments

- 13 Finally, we would like to use this opportunity to state our commitment to working closely with SCW and the Welsh Government around these current proposals. As the largest professional regulator in the UK, we are able to offer advice and expertise to support the development and implementation of policy options around exempting regulated professionals from SCW registration.
- 14 More broadly, we are also keen to support the ongoing work that Welsh Government and Social Care Wales are doing to promote, support and develop the health and social care workforce in Wales. Better and safer care for people is at the heart of what we do, and we recognise that we are one of a network of partners working across the UK in pursuit of this goal. We are committed to sharing information, data and advice across this network. As such, we would like to increase our collaboration and engagement with SCW and the Welsh Government in the future.

¹ [SCWWDP \(2018\) Commissioned care provider workforce estimates - 2017](#)

- 15 If you would like to discuss opportunities for engagement further, or if you have any queries about our response, please do not hesitate to contact our policy team at policy@nmc-uk.org.